

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA

v.

PAUL EUGENE WEBSTER

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)

Case No.: 3:06cr266-WKW

MOTION TO DISMISS
DUE TO COMPOSITION OF THE JURY VENIRE

COMES NOW the Defendant, **PAUL EUGENE WEBSTER**, by and through undersigned counsel, Jennifer A. Hart, and moves this Court to dismiss the Indictment in this case do to improper composition of the Grand and Petit jury venires, and the under representation of African-Americans on said venires.

Said composition violates the Jury Selection and Service Act, 18 U.S.C. § 1861 *et seq.*, and the Defendant's Sixth and Fifth Amendment rights to a trial by an impartial jury representing a fair cross section of the community and the guarantee of due process.

This Motion is supported by the attached Affidavit. Defendant requests that a hearing on this motion be conducted, if necessary, after the trial in this matter.

Dated this 8th day of January 2007.

Respectfully submitted,

s/Jennifer A. Hart

JENNIFER A. HART
FEDERAL DEFENDERS
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jennifer_hart@fd.org
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CERTIFICATE OF SERVICE

I hereby certify that on January 8, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Tommie Hardwick
Assistant United States Attorney

Respectfully submitted,

s/Jennifer A. Hart

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AFFIDAVIT

STATE OF ALABAMA

COUNTY OF MONTGOMERY

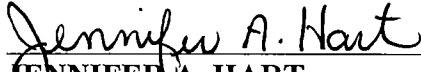
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I, JENNIFER A. HART, state the following:

1. For the past 8 years, I have been employed as an Assistant Federal Defender for the Middle District of Alabama.
2. On Friday, January 5, 2007, at approximately 4:00 p.m., I received 64 juror questionnaires submitted by the members of the jury venire in this case.
3. A review of these questionnaires indicates that there is a Constitutionally and statutorily improper disparity between the number of African-Americans over the age of 18 that live within the judicial circuit served by this Court and the number of African-Americans represented within the jury venire.
4. My initial research indicates that within the population in the judicial district served by the United States District Court for the Middle District of Alabama, the percentage of African-Americans over the age of 18 is approximately 31%.
5. The jury venire in this case is composed of approximately 12.5% African-Americans.
6. The approximate 18.5% under-representation of African-Americans on the jury venire

violates the Jury Selection and Service Act, 18 U.S.C. §1861 et seq., and the Defendant's Sixth and Fifth Amendment rights to trial by an impartial jury representing a fair cross section of the community and the guarantee of due process.

Dated this 8th day of January 2007.



JENNIFER A. HART

AL Bar Code: HAR189

The foregoing was sworn and subscribed before me this 8th day of January 2007, by a person known to me to be Jennifer A. Hart.



NOTARY PUBLIC
My Commission expires: 8-30-10

CERTIFICATE OF SERVICE

I hereby certify that on January 8, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Tommie Hardwick
Assistant United States Attorney

Respectfully submitted,

s/Jennifer A. Hart
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